

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

LARRY PETERSON,

Plaintiff,

v.

ROBERT D. BERNARDI, et al.,

Defendants.

Civil No. 07-2723 (RMB)

AMENDED SCHEDULING ORDER

This Scheduling Order confirms the directives given to counsel during the status conference on July 21, 2008; and the Court noting the following appearances: Suridan Agarwal, Esquire, appearing by telephone on behalf of the plaintiff; and Jason Atwood, Esquire, appearing on behalf of the defendants.

IT IS this **21st** day of **July, 2008**, hereby **ORDERED**:

1. By **August 15, 2008**, plaintiff shall serve his Fed. R. Civ. P. 30(b) (6) deposition notices.

2. By **August 29, 2008**, defendants shall complete their review of plaintiff's documents. Plaintiff shall make his responsive documents available for inspection no later than July 31, 2008.

3. Plaintiff's deposition shall be completed by **September 30, 2008**.

4. By **August 29, 2008**, the parties shall serve the Court with a joint letter identifying all fact depositions to be taken with the names and addresses of the deponents.

5. Pretrial factual discovery is hereby extended to **December 31, 2008**. All pretrial discovery shall be concluded by that date. All discovery motions and applications pursuant to L. Civ. R. 37.1(a)(1) shall be made returnable before the expiration of pretrial factual discovery.

6. All expert reports and expert disclosures pursuant to FED. R. Civ. P. 26(a)(2) on behalf of plaintiff shall be served upon counsel for defendants no later than **January 15, 2009**. All expert reports and expert disclosures pursuant to FED. R. Civ. P. 26(a)(2) on behalf of defendants shall be served upon counsel for plaintiff no later than **February 16, 2009**. Each such report and disclosure shall be accompanied by the curriculum vitae of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this procedure has not been timely followed. Depositions of proposed expert witnesses shall be concluded by **March 17, 2009**.

For purposes of this Scheduling Order, treating physicians shall not be considered expert witnesses and shall be treated as fact witnesses who are, however, required to provide reports and records concerning their treatment. However, any doctor who is going to express an opinion as to the cause of a particular condition or as to the future prognosis of a particular condition, shall be considered an expert subject to the requirement of FED. R. Civ. P. 26(a)(2)(B).

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to F. R. EVID. 701 and Teen-Ed v. Kimball International, Inc., 620 F.2d 399 (3d Cir. 1980).

7. **Dispositive Motions.** Dispositive motions shall be filed with the Clerk of the Court no later than **April 1, 2009**. Opposition to the motion should be served in a timely fashion. Counsel are to follow L. Civ. R. 7.1(c), (d) and (e), 56.1 and 78.1 (Motion Practice - Generally).

8. It will be necessary for counsel to cooperate in preparing the form Joint Final Pretrial Order. The instructions for preparing the Order can be found on the website at PACER.NJD.USCourts.gov, under Forms (Pretrial Orders). The Joint Final Pretrial Order (**original and two copies for the court, with sufficient copies for all counsel**), as signed by all counsel, shall be delivered to me **three (3) days before** the conference on **August 6, 2009 at 2:00 p.m.** The plaintiff's portion of the proposed order shall be prepared and sent to defense counsel no later than **July 6, 2009**. Defendants' portion of the proposed order shall be prepared and returned to counsel for plaintiff no later than **July 20, 2009**. **FAILURE TO APPEAR AT THIS CONFERENCE WILL LEAD TO THE IMPOSITION OF SANCTIONS, INCLUDING COSTS.**

LEAD TRIAL COUNSEL FOR ALL PARTIES SHALL APPEAR AT THE FINAL PRETRIAL CONFERENCE AND SHALL BE PREPARED TO DISCUSS SETTLEMENT OF THE CASE.

9. The Court will conduct an **in-person** status conference on **November 24, 2008 at 11:00 a.m.**

THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER MAY
RESULT IN IMPOSITION OF SANCTIONS UNDER FED. R. CIV. P. 16(f).

s/ Joel Schneider
JOEL SCHNEIDER
United States Magistrate Judge